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IP

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/13/95

08/11/95

NORWITZ

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092495-001

021539

FILE 2/5/05

OPENS DUANE SWENKE & PARTNER

P O BOX 1404

ALEXANDRIA VA 22315-1404

EXAMINER

RECEIVED

ART UNIT

PAPER NUMBER

1431

27

DATE MAILED:

07/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



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EXAMINER

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DATE MAILED:

Commissioner of Patents

Please find below a communication from the EXAMINER in charge of this application.

1. The terminal disclaimer filed on 4/14/00 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 5,824,469 has been reviewed and is accepted. The terminal disclaimer has been recorded.
2. The objection to the specification regarding the sequence rules in the Office Action mailed 10/14/99 is withdrawn in view of the Amendment received 4/14/00.
3. The rejection of claims 3,4, 6, 7, and 12-25 under 35 U.S.C. § 112, second paragraph in the Office Action mailed 10/14/99 is withdrawn in view of the Amendment received 4/14/00. The limitation in the instant claims "without reference to a wild type sequence" is interpreted to read on a population of fully random sequences and to exclude populations of partially altered naturally occurring sequences.
4. The rejection of claims 3, 4, 6, 13, and 15-25 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 and 3 of U.S. Patent No. 5,824,469 in the Office Action mailed 10/14/99 is withdrawn in view of the Terminal Disclaimer received 4/14/00.

5. The rejection of claims 3, 4, 6, 13-18, and 21-25 under 35 U.S.C. 102(e) as being anticipated by Pieczenik has been addressed by the Applicants in a Declaration under 37 CFR 1.608(b), and the instant application has been forwarded to the Board of Appeals and Interferences as discussed in MPEP 2308.02.

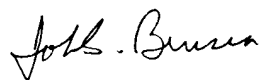
Interference

6. All claims are allowable. However, due to a potential interference, *ex parte* prosecution is SUSPENDED.

7. Certain papers related to this application may be submitted to Art Unit 1631 by facsimile transmission. The FAX number is (703) 305-7939. In such cases please call the Examiner at (703) 308-4231 at the time of transmission to expedite delivery of the fax. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 CFR 1.6 (d)). NOTE: If applicant *does* submit a paper by FAX, the original copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED, so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Brusca, Ph.D. whose telephone number is (703) 308-4231. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at (703) 308-4028.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

A handwritten signature in cursive script, appearing to read "John S. Brusca".

John S. Brusca, Ph.D.

Primary Examiner